

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In re:

Cecil Crawley & Priscilla Farrington Crawley

Case No. 09-81443  
Chapter 13

Social Security No.:  
xxx-xx-2858 and xxx-xx-3668

Address:  
1171 Kelly Brewer Rd., Leasburg, NC 27291-

Debtors.

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**MOTION TO RESTRICT ACCESS TO FILED DOCUMENT**

**NOW COMES** the Debtors Cecil Crawley and Priscilla Farrington Crawley, by and through counsel, upon this Motion to Restrict Access to Filed Document, seeking relief pursuant to 11 U.S.C. Sections 105(a) and Bankruptcy Rule 9037(d)(2).

1. That this matter is a core proceeding pursuant to 28 U.S.C. Section 157, and that the Court has jurisdiction pursuant to 28 U.S.C. Sections 151, 157 and 1334.
2. On or about 8/25/2009, the Debtors filed for protection under Chapter 13 of the Bankruptcy Code.
3. On or about 9/8/2009, Creditor Duke University Health System, acting as collection agent for Private Diagnostic Clinic, PLLC, filed Proof of Claim #1 in the amount of \$19,140.06.
4. The Proof of Claim consisted of 9 pages and displayed the Debtors's social security number, and other sensitive data. The Proof of Claim also disclosed Debtor's individually identifiable health information, containing medical procedure codes, treatment dates and provider names, without redaction.
5. The Proof of Claim is a public document and the Creditor has made the Debtor's private data, sensitive and nonpublic personal medical treatment information available to the general public.
6. The publication of this private information violates various state and federal laws, local court rules, numerous common law torts and is in violation of Bankruptcy Rule 9037.

7. As a result of such violations the debtor has suffered actual damages, including emotional distress.

**WHEREFORE**, said Debtors respectfully pray of this court as follows:

- A) That the Court issue an order requiring the Clerk of Court to immediately restrict public access to the documents mentioned above.
- B) For such other relief as is just and proper.

Dated: October 29, 2009

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s/ Edward C. Boltz

Edward C. Boltz  
N.C. State Bar No. 23003  
1738 Hillandale Road  
Suite D  
Durham, N.C. 27705  
(919)-286-1695

## CERTIFICATE OF SERVICE

I, Koury L. Hicks, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on October 29, 2009, I served the foregoing **MOTION TO RESTRICT ACCESS TO FILED DOCUMENT** by depositing a copy of same in the U.S. mail, postage prepaid, or by electronic service addressed to the following parties:

DUKE UNIVERSITY HEALTH SYSTEM

Attn: Managing Agent  
4101 N. Roxboro Road  
Durham, NC 27704-

Richard M. Hutson, II  
Chapter 13 Trustee  
P.O. Box 3613  
Durham, N.C. 27702-3613

/s/ Koury L. Hicks\_\_\_\_\_

Koury L. Hicks